

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DANIEL THOMAS POMEROY,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:22-cv-00957-MTS
	)	
STAN PAYNE,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**

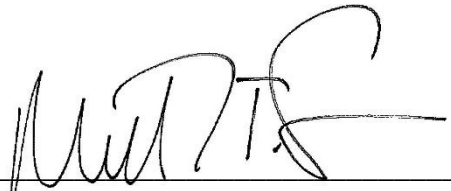
This matter comes before the Court on its own motion. On December 15, 2022, the Court ordered Petitioner Daniel Thomas Pomeroy to show cause as to why his Petition for Writ of Habeas Corpus should not be dismissed for failure to exhaust his state remedies. Doc. [4]. The Order instructed him to respond within thirty days and advised that his failure to comply would result in the denial of his Petition and the dismissal of his action without prejudice and without further notice.

The Court did not receive a show cause response from Petitioner. Instead, on December 23, 2022, the United States Postal Service returned the Order mailed to Petitioner at his place of confinement—the address he provided to the Court. Doc. [5]. The return envelope indicated that the facility was unable to forward the mail and that the “forwarding order [had] expired.” *Id.* Because no forwarding address had been provided to the Court, the Clerk of Court could not resend the Order to Petitioner.

Local Rule 2.06(B) requires every self-represented party promptly to notify the Clerk of Court of any change in address. The rule further provides that “[i]f any mail to a self-represented plaintiff or petitioner is returned to the Court without a forwarding address and the self-represented

plaintiff or petitioner does not notify the Court of the change of address within thirty (30) days, the Court may, without further notice, dismiss the action without prejudice.” E.D. Mo. L.R. 2.06(B). More than thirty days now have elapsed since the Court ordered Plaintiff to show cause and also since the United States Postal Service returned Petitioner’s mail as undeliverable. Petitioner has not provided his new address nor submitted anything further to the Court. As such, the Court will dismiss this action without prejudice.

An Order of Dismissal will be entered herewith this 3rd day of February 2023.



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MATTHEW T. SCHELP  
UNITED STATES DISTRICT JUDGE